

BILL NO. Z-86-03-22

ZONING MAP ORDINANCE NO. Z-Lish

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. K-38.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY
OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-A (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

6040 Lima Road: Beginning 702.8 feet North of the
Southeast corner of the Southwest 1/4 of the southeast
1/4 of Section 15, Township 31 North, Range 12 East;
thence North along the East line of said 1/4 section
136.2 feet; thence West 329.6 feet; thence in a
Southwesterly direction 137.4 feet to a point 311.5
feet West of the Southeast corner of the above
described tract; thence East 311.5 feet to the place of
beginning, containing 1 acre, more or less. Address of
Property is to be Included: 6040 Lima Road, 6126 Lima
Road and 6112 Lima Road - Fort Wayne, Indiana 46808.

6126 Lima Road: Starting at a point of beginning at
the Northeast corner of the Southwest 1/4 of the
Southeast 1/4 of Section 15, Township 31 North, Range
12 East, in Allen County, Indiana; thence south along
the east line of the said Southwest 1/4 of the South-
east 1/4 of Section 15, Township 31 North, Range 12
East, a distance of 229.5 feet to a point, which shall
be known as the place of beginning; thence south along
the east line of the said Southwest 1/4 of the South-
east 1/4 of Section 15, Township 31 North, Range 12
East, a distance of 122.7 feet; thence west parallel
with the north line of the said Southwest 1/4 of the
Southeast 1/4 of Section 15, Township 31 North, Range
12 East, a distance of 346.7 feet to the east right-of-
way line of the Indiana Service Corporation; thence
North along th east right-of-way line of the Indiana
Service Corporation a distance of 123.9 feet to a
point; thence east parallel with the north line of the
said Southwest 1/4 of the Southeast 1/4 of Section
15, Township 31 North, Range 12 East, a distance of 363
feet to the place of beginning, containing 1 acre of
land, more or less.

6112 Lima Road: Part of the Southwest Quarter of the
Southeast Quarter of Section 15, Township 31 North,
Range 12 East, Allen County, Indiana, more particularly
described as follows, to wit:

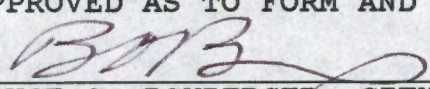
Commencing at the Northeast corner of said Southwest

Quarter; thence South on and along the East line of said Southwest Quarter, a distance of 352.2 feet to the true point of beginning; thence continuing South on and along said East line a distance of 128.8 feet; thence Westerly by an interior angle of 89 degrees 43' and parallel to the North line of said Southwest Quarter, distance of 277.4 feet to the Easterly right-of-way line of State Road #3 (Lima Road) as it presently exists; thence Northwesterly by an interior angle of 97 degrees 57', on and along said Easterly right-of-way line, 130.0 feet; thence Easterly by an interior angle of 82 degrees 03' and parallel to said North line, 294.0 feet to the true point of beginning, containing 0.845 acres of land.

and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by E. Sturck
seconded by Sturck, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the C.
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19____, at _____ o'clock _____ .M., 19____

DATE: 3-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Sturck
seconded by Henry, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	<u>9</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>✓</u>	_____	_____	_____
<u>HENRY</u>	_____	<u>✓</u>	_____	_____	_____
<u>REDD</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	_____	<u>✓</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>✓</u>	_____	_____	_____

DATE: 4-22-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____
on the _____ day of _____, 19____,

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the _____ day of _____, 19____
at the hour of _____ o'clock _____ .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____
19____, at the hour of _____ o'clock _____ .M., E.S.T.

WIN MOSES, JR., MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 551

FT. WAYNE, IND., 2-13 1986

RECEIVED FROM Chun Jones \$ 50.00THE SUM OF fifty ¹⁰⁰ DOLLARSON ACCOUNT OF 6/12, 6/26 + 6/40 Remainderregarding
Patt
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT.

RECEIPT NO. _____

DATE FILED _____

THIS IS TO BE FILED IN DUPLICATE

INTENDED USE _____

I/We Jack & Nancy Brand, Ron Antoniuk and Elvin E. Jones
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B-1A District the property described as follows:

6040 Lima Road - Beginning 702.8 feet North of the Southeast corner of the

Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range

12 East; thence North along the East line of said 1/4 section 136.2 feet;

thence West 329.6 feet; thence in a Southwesterly direction 137.4 feet to a

point 311.5 feet West of the Southeast corner of the above described tract;

thence East 311.5 feet to the place of beginning, containing 1 acre, more or

(Legal Description) If additional space is needed, use reverse side. less.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 6040 Lima Road, 6126 Lima Road and

6112 Lima Road - Fort Wayne, Indiana 46808

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Jack & Nancy Brank

10630 Lima Road

Ron Antoniuk

6126 Lima Road

Elvin E. Jones

6112 Lima Road

(Name)

(Address)

Jack & Nancy Brand
Ron Antoniuk
Elvin E. Jones
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

Ed Tom & Sharon Butler

Today's Realty Company

(Name)

2903 Westbrook Drive - 46805

(Address & Zip Code)

484-4529

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

6126 Lima Road - Starting at a point of beginning at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, in Allen County, Indiana; thence south along the east line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of 229.5 feet to a point, which shall be known as the place of beginning; thence south along the east line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of

Owners of Property

_____	_____	X _____
_____	_____	X _____
_____	_____	X _____
_____	_____	X _____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

Legal Description of property to be rezoned.

6126 Lima Road Continued - 122.7 feet; thence west parallel with the north line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North Range 12 East, a distance of 346.7 feet to the east right of way line of the Indiana Service Corporation; thence North along the east right of way line of the Indiana Service Corporation a distance of 123.9 feet to a point; thence east parallel with the north line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of 363 feet to the place of beginning, containing 1 acre of land, more or less.

6112 Lima Road - South 130 of North 482.2 feet East of I.S.C. Southwest 1/4 Southeast 1/4, Section 15.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 25, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-03-22; ; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 17, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

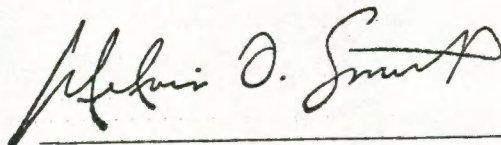
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 24, 1986.

Certified and signed this
2nd day of April 1986,



Melvin O. Smith
Secretary

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R1 DISTRICT TO A BIA DISTRICT.

COUNCILMANIC DISTRICT NO. 3

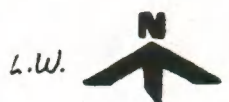


LAND USE:

☐ SINGLE FAMILY
☐ COMMERCIAL
☒ PUBLIC - CHURCH

SCALE: 1" = 200'

DATE: 2-27-86



Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

6112; 6126 & 6040 Lima Road

Reason for Project

Utilitize existing structures for apartments & perhaps a small office.

Discussion (Including relationship to other Council actions)

March 17, 1986 - Public Hearing

Ed Tomm, speaking for the petitioner for the property at 6112 Lima Road stated that the petitioner at 6126 Lima Road did not wish to pursue the rezoning. He stated that the petitioner at 6126 Lima Road was asking the Commission to perfect the request from a B-1-A to an R-3 rezoning. He stated that they do not have any desire to build an office complex. He stated they are not building, but wish to utilize the structures that are already there. He stated it is not much of a residence but more a small office or possibly a duplex tr-plex area.

Ben Eisbart questioned staff if they had received a letter of withdrawal from the property owner at 6126 Lima Road.

Staff stated they had not.

Edith Kenna questioned what the property was present being used for.

Mr. Tomm stated that the petitioner for 6140 Lima Road would have to speak for himself, but the property at 6112 Lima

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Jack Brand, Ron Antoniuk &
Elvin Jones
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

☐ For ☒ Against

Reason Against

Board or
Commission
Recommendation

By

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Road is being used as a residence.

Jack Brand the petitioner for 6140 Lima Road stated that he wanted to use the present structure for commercial purposes. He stated that he had purchased it as a commercial building and was unaware that he could not use it for commercial. He stated that he had applied for and received a variance but they had placed conditions on the property he did not want to meet.

Edith Kenna pointed out that even if they receive an R-3 they would still have to have BZA approval in order to put in an office use.

Mr. Brand stated that it would still be better to use the property even for multi-family.

Edith Kenna stated that she felt the petitioners should talk with a member of staff prior to the business meeting to be sure they can do what they would want to in an R-3 zoning.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

March 24, 1986 - Business Meeting

Motion was made to return the ordinance to Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present 7 voted in favor of denial one abstained.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date February 13, 1986

Projected Completion or Occupancy

Date April 2, 1986

Fact Sheet Prepared by

Date April 2, 1986

Patricia Biancaniello

Reviewed by

Date

Gary Smith
Reference or Case Number

4/2/86

ORIGINAL
COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINALTITLE OF ORDINANCE Zoning Ordinance AmendmentDEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P3-86-03-22SYNOPSIS OF ORDINANCE 6112; 6126 & 6040 Lima RoadEFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential.Property will become B-1-A - Limited Business District.EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

BILL NO. Z-86-03-02

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of
Fort Wayne Zoning Map No. K-38

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

THOMAS C. HENRY

CHARLES B. REDD

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK